

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6329

BILL NUMBER: HB 1050

NOTE PREPARED: Jan 20, 2015

BILL AMENDED:

SUBJECT: Actions Against a Surveyor.

FIRST AUTHOR: Rep. Ober

FIRST SPONSOR:

BILL STATUS: As Passed House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that an action to recover damages for a deficiency in a land survey must be brought against the surveyor not later than 10 years after the date of the survey. The bill sets forth requirements for a notice of survey letter to an adjoining landowner. The bill provides that an action for damages for a survey completed before July 1, 2015, may not be brought against a surveyor unless the action is commenced within 15 years after the date of the survey.

Effective Date: July 1, 2015.

Explanation of State Expenditures:

Explanation of State Revenues: *Summary:* The bill would limit certain actions against surveyors. As a result, fewer civil actions may occur and court fees may be collected, which would decrease revenue to the state General Fund. It is likely any reduction would be minimal.

Additional Information: *Court Fee Revenue:* A civil costs fee of \$100 is assessed when a civil case is filed, 70% of which would be deposited in the state General Fund, if the case is filed in a court of record, or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. Proceeds from the automated

record keeping fee (\$5) are deposited into the State User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Summary:* If fewer civil actions occur, local governments would receive less revenue. It is likely that any reduction in filings would be minimal. The funds impacted would be the county general fund and other local funds.

Additional Information: Court Fee Revenue: When civil actions occur, local governments receive revenue from the following sources. The county general fund receives 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If a case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also required to pay the following fees that are deposited in local funds.

The document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- Service fee (\$10) collected from the filing party for each defendant beyond the first cited in the lawsuit.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.